

**DUSTIN J. KITTLE,** )  
)  
**Plaintiff,** )  
)  
v. ) **Case No.: 1:24-cv-00025**  
)  
**JOSEPH R. BIDEN, JR.,** in his official ) **CHIEF JUDGE CAMPBELL**  
capacity as President of the United States )  
of America, the **FARM CREDIT** )  
**ADMINISTRATION,** a federal agency, )  
**VINCENT G. LOGAN,** as Chairman of )  
the Farm Credit Administration, and )  
**WENDY R. LAGUARDA,** as Inspector )  
General of the Farm Credit Administration, )  
)  
**Defendants.** )

Plaintiff Dustin J. Kittle, by and through undersigned counsel, respectfully moves this Court for leave to file a Third Amended Complaint pursuant to Federal Rule of Civil Procedure 15(a)(2) and Local Rule 15.01.<sup>1</sup> In support of this Motion, Plaintiff relies on the following:

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1. On October 23, 2024, counsel for the parties appeared before the Court for a Case Management Conference; at which time it was discussed that, depending on the Farm Credit Administration's response, Plaintiff anticipated filing a Third Amended Complaint, adding claims pursuant to the Federal Tort Claims Act.
2. On January 31, 2025, this Court approved a joint request by the parties to extend the deadline to amend the pleadings to March 3, 2025. [Doc. 47].
3. The proposed Third Amended Complaint, attached hereto as **Exhibit A**, adds Plaintiff's claim under the Federal Torts Claims Act and Fifth Amendment, substitutes Jeffery S. Hall for Vincent G. Logan (given Hall's recent designation by President Trump as the Farm Credit Administration Chairman), and refines, clarifies, and adds factual allegations and specific claims based upon certain new evidence and developments since the filing of the Second Amended Complaint [Doc. 18].
4. The proposed Third Amended Complaint does not prejudice the Defendants, as the case remains in its early stages, and formal discovery is just beginning.
5. The Third Amended Complaint will not significantly delay the proceedings, as it builds upon the existing claims and facts already known to the Defendants and their counsel.

6. The Third Amended Complaint states viable claims under federal law, including the U.S. Constitution, the Administrative Procedures Act (APA), the Federal Tort Claims Act (FTCA), and other statutes; and thus, is not futile.
7. To promote judicial economy, Plaintiff has withdrawn those claims that are no longer viable from the Second Amended Complaint, including the request for injunctive and/or mandamus relief sought against President Biden.
8. This Motion for Leave is made in good faith to ensure a complete and accurate presentation of Plaintiff's claims, not to harass or prolong the litigation.

In light of the foregoing, the Plaintiff respectfully requests leave of this Court to file the Third Amended Complaint.

DATED: March 3, 2025.

Respectfully submitted,

s/Ashley M. Posey  
Ashley M. Posey (BPR 037411)  
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## **CERTIFICATE OF SERVICE**

I hereby certify that on March 3, 2025, a copy of the foregoing was filed electronically. A copy will be sent to the following by operation of the Court's CM/ECF system:

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*Attorney for Defendants*

s/Ashley M. Posey  
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